

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

BARBARA ELAM AND BOBBY ELAM

PLAINTIFFS

VS.

CIVIL ACTION NO. 1:08cv304-GHD-JAD

THE KANSAS CITY SOUTHERN RAILWAY
COMPANY AND RONALD L. MICHAEL

DEFENDANTS

AFFIDAVIT OF CHARLES V. LARS

STATE OF LOUISIANA
PARISH OF Caddo

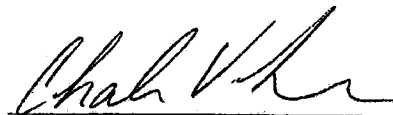
I, Charles V. Lars, first being duly sworn on oath, state as follows:

1. I am an adult resident citizen of the State of Louisiana. I have personal knowledge of the facts stated herein, and am competent to testify thereto.
2. I am presently employed by The Kansas City Southern Railway Company as a General Claims Specialist. On November 19, 2006, I was the Kansas City Southern Railway Company claims agent assigned to the accident at issue.
3. On November 19, 2006, I traveled to the location of the subject accident in order to conduct a routine investigation of said accident. Accident investigation is within the regular business activities of a Kansas City Southern Railway Company claims agent. Taking pictures of an accident scene is regular practice during a regularly conducted accident investigation.
4. I took photograph numbers 27, 32, and 35, attached hereto, during the course of my regularly conducted accident investigation on November 19, 2006, between 9:47 am and 7:14 pm.
5. Photograph numbers 27, 32, and 35 are true and accurate depictions of the scene of the subject accident as it existed on November 19, 2006, the day after the subject accident occurred.




6. Photographs 27, 32, and 35 are true and accurate depictions of the warning signals installed at the subject crossing on November 19, 2006, the day after the subject accident occurred.

Further affiant saith not.


CHARLES V. LARS

SWORN TO AND SUBSCRIBED BEFORE ME, this the 11 day of February, 2009.


NOTARY PUBLIC

My Commission Expires:

DEBRA ALLEN, NOTARY PUBLIC
CADD O PARISH, LOUISIANA
MY COMMISSION IS FOR LIFE

PHOTO SHEET



PHOTOGRAPHED BY
Charles V. Lars
 MAKE AND TYPE OF CAMERA
Cannon Power Shot
 BRAND AND TYPE OF FILM
Kodak SD card
 DATE TAKEN TIME
11/19/06 9:27 am - 7:14 pm

FILE NUMBER	SUFFIX
012265	
CLAIMANT	
Elam, Barbara	
OCCUPATION OR CLASSIFICATION	
<input checked="" type="checkbox"/> PI	<input type="checkbox"/> PI&D <input type="checkbox"/> L&DP
ACCIDENT DATE	
11/18/06	
LOCATION	
Corinth, Ms.	

☒ DAYLIGHT ☐ DARK ☐ FLASH
☐ CLEAR ☒ CLOUDY ☐ RAIN ☐ SNOW ☐ OTHER (Indicate) _____

PHOTO NO **27** CAMERA HEIGHT **Eye** DISTANCE FROM SUBJECT **525'**
☒ PRINT ☐ NEGATIVE DIRECTION FACING **North**

Description **525' from 1st rail. Advanced Warning sign @ 500'**

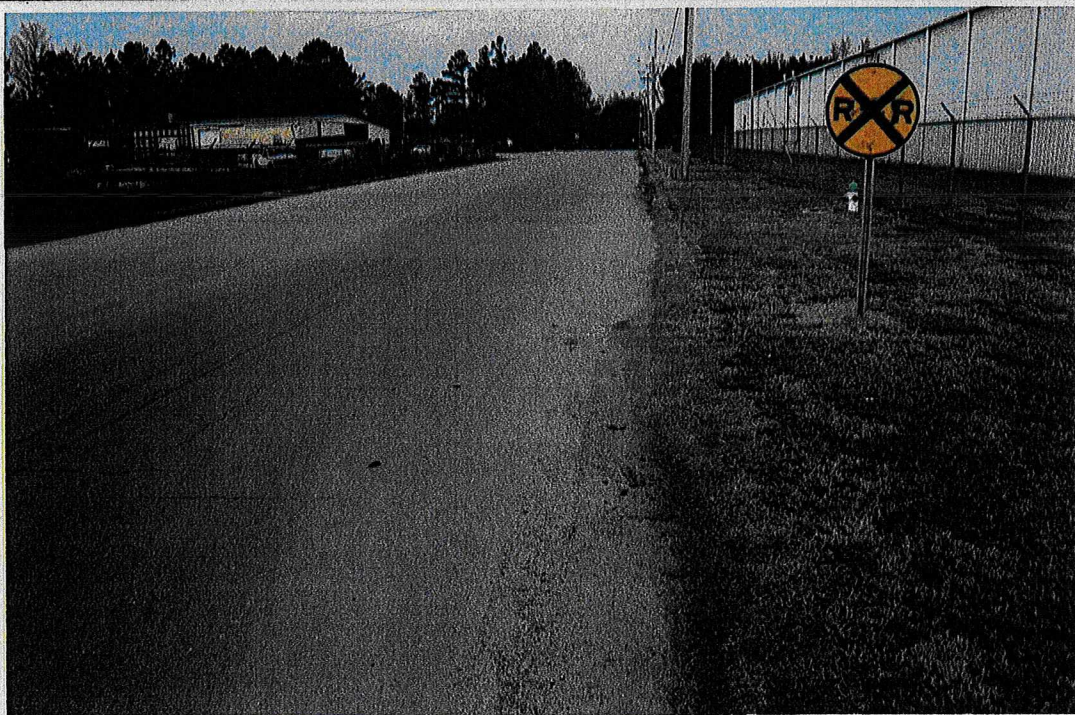


PHOTO SHEET



PHOTOGRAPHED BY
Charles V. Lars
 MAKE AND TYPE OF CAMERA
Cannon Power Shot
 BRAND AND TYPE OF FILM
Kodak SD card
 DATE TAKEN TIME
11/19/06 9:27 am - 7:14 pm

FILE NUMBER	SUFFIX
012265	
CLAIMANT	
Elam, Barbara	
OCCUPATION OR CLASSIFICATION	
<input type="checkbox"/> PI <input type="checkbox"/> PI&D <input type="checkbox"/> L&DP	
ACCIDENT DATE	
11/18/06	
LOCATION	
Corinth, Ms.	

☒ DAYLIGHT ☐ DARK ☐ FLASH
☐ CLEAR ☒ CLOUDY ☐ RAIN ☐ SNOW ☐ OTHER (Indicate) _____

PHOTO NO **32** CAMERA HEIGHT **Eye** DISTANCE FROM SUBJECT **150'**
☒ PRINT ☐ NEGATIVE DIRECTION FACING **North**

Description **150' from 1st rail. Pavement markings begin @ 135' from 1st rail**



PHOTO SHEET



PHOTOGRAPHED BY
Charles V. Lars
 MAKE AND TYPE OF CAMERA
Cannon Power Shot
 BRAND AND TYPE OF FILM
Kodak SD card
 DATE TAKEN TIME
11/19/06 **9:27 am - 7:14 pm**

FILE NUMBER	SUFFIX
012265	
CLAIMANT	
Elam, Barbara	
OCCUPATION OR CLASSIFICATION	
<input type="checkbox"/> PI <input type="checkbox"/> PI&D <input type="checkbox"/> L&DP	
ACCIDENT DATE	
11/18/06	
LOCATION	
Corinth, Ms.	

☒ DAYLIGHT ☐ DARK ☐ FLASH
☐ CLEAR ☒ CLOUDY ☐ RAIN ☐ SNOW ☐ OTHER (Indicate) _____

PHOTO NO **35** CAMERA HEIGHT **Eye** DISTANCE FROM SUBJECT **50**
☒ PRINT ☐ NEGATIVE DIRECTION FACING **North**

Description **50' from 1st rail. Stop bar approximately 16' from 1st rail. Xbuck 37' from 1st rail**

